

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

SHAHAB JALALI,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

ORDER

12-cv-563-bbc

On October 1, 2013 the parties filed a motion for relief from judgment under Fed. R. Civ. P. 60(b)(6), asking this court to reverse the Commissioner's decision in this case under sentence four of 42 U.S.C. § 405(g) and remanding the case to the Commissioner for further proceedings. Because the case was on appeal, I was asked to determine whether I would be inclined to grant the motion should the court of appeals remand the case to this court. In an order entered on October 2, 2013, I informed the court of appeals of this court's inclination to grant the parties' motion should the court of appeals remand the case. The court of appeals remanded the case on December 18, 2013.

The April 30, 2013 judgment will be vacated and judgment will be entered reversing the Commissioner's decision and remanding the case for further proceedings.

On remand, the administrative law judge will, if warranted, obtain evidence from a medical expert to clarify the nature and severity of plaintiff's impairment; reassess the

severity of all medically determinable mental impairments under the special technique; further evaluate whether plaintiff's mental impairment satisfies the "A" or "B" criteria for Listings 12.03 or 12.04; evaluate and weigh the opinion of Dr. Dowell; further consider plaintiff's residual functional capacity; further consider whether plaintiff has past relevant work he could perform with the limitations established by the evidence; and as appropriate, obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on plaintiff's occupational base.

ORDER

IT IS ORDERED that the April 30, 2013 judgment is VACATED and judgment is entered REVERSING the Commissioner's decision and REMANDING for further proceedings under sentence four of 42 U.S.C. § 405(g) as set out above.

Entered this 19th day of December, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge